Atty. Docket No. CHM-016

JFW/1743

CERTIFICATE OF MAILING

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## IN THE UNITED STATES ATENT & TRADEMARK OFFICE

In the Application of

Ronald J. JANDACEK, et al.

Confirmation No.:

9438

Serial No.:

10/567,143

Filing Date:

February 6, 2006

For:

USE OF NON-ABSORBABLE FAT IN

DETERMINING DIETARY FAT ABSORPTION

## INFORMATION DISCLOSURE STATEMENT PURSUANT TO 37 CFR 1.56, 1.97 AND 1.98

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR §§1.56, 1.97 and 1.98, Applicant request the Examiner to make of record the documents listed on the attached PTO/SB/08 form in connection with examination of the above-identified patent application. As provided in §1.97(g), no representation is made or intended that a thorough art search was made. As provided in 37 C.F.R. §1.97(h), this Information Disclosure Statement does not constitute an admission of any kind, and specifically is not an admission that the documents listed on attached form PTO/SB08 are, or are considered to be, material to the patentability of the above-identified patent application, as defined in 37 C.F.R. §1.56(b). In accordance with 37 C.F.R. §1.98(a)(2), Applicants are submitting copies of non-patent literature.

This information disclosure statement is being submitted under 37 C.F.R. §1.97(b)(3). Applicants have not received an Office Action on the merits in the present application. Therefore, no fee is believed to be due.

This submission does not represent that a search has been made or that no closer art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law,

Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Respectfully submitted,

For:

Ronald J. JANDACEK et al.

By:

Daniel F. Nesbitt Attorney for Applicant Registration No. 33,746

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Customer Number 38155

July 14, 2006

## INFORMATION DISCLOSURE Filing Date First Named Inv. (use as many sheets as necessary) Application Num Filing Date First Named Inv. Art Unit

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of

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Complete if Known				
Application Number	10/567,143			
Filing Date	February 6, 2006			
First Named Inventor	JANDACEK et al.			
Art Unit				
Examiner Name				
Attorney Docket Number	CHM-016			

Examiner Initials*	Cite No.1	Document Number Number - Kind Code <sup>2</sup> (if known)		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US	3,818,089	06/18/1974	Bayley et al.	
		US	5,466,434	11/14/1995	Kyle	
_		US	5,504,202	04/02/1996	Hutchison	
		US	6,006,754	12/28/1999	Janghorbani et al.	

		OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s) volume-issue number(s), publisher, city and/or country where published.				
		DAHER, G. C. et al., Olestra Ingestion and Dietary Fat Absorption in Humans, J. Nutr. (1997), 127: 1694S-1698S				
		HOVING, J. et al., Estimation of fat absorption from single fecal specimens using <sup>131</sup> I-triolein and <sup>75</sup> Se-triether. A study in rats with and without induced steatorrhea, <i>Gastroenterology</i> , (1977) 72:406-412				
		JANDACEK et al., A Novel, Noninvasive Method for the Measurement of Intestinal Fat Absorption, Gastroenterology (2004), 127:139-144				
		JANDACEK et al., Effects of partial replacement of dietary fat by olestra on dietary cholesterol absorption in man, <i>Metabolism</i> , (August 1990) Vol. 39 No. 8 pp 848-852				
		JANDACEK et al., Physical properties of pure sucrose octaesters, Chem and Physics of Lipids (1978), Vol. 22 pp 163-176				

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Examiner	Date	
Signature	 Considered	
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